

### **III. REMARKS**

New drawings are enclosed. They conform to the USPTO requirements and include Figs. 2c, 2d and 2e.

Please note that in the application as originally filed, referring to WO 03/099658 A1, Figs. 2c, 2d and 2e were included on page 25, incorrectly labeled as 10/12 and Fig. 10.

The replacement sheets merely include the drawings in proper order. The reference to Fig. 10 in the drawings is removed.

Thus the specification is no longer objectionable for omitting a description of Fig. 10 since there is no Fig. 10.

In general, the claims have been amended to better conform to U.S. practice. Note that "may be" has been replaced with "adapted to be", which is permissible language (see MPEP 2173.05(g) and In re Venezia, 189 USPQ 149, 152). The recitation of "wherein the recess takes the form of an elongate hole" is supported by page 3, lines 4-6, and page 9, line 2. The drawings clearly show this feature in Fig. 2c. Claim 3 has been cancelled.

Thus the rejection of claims 1-3 and 5 under 35 U.S.C. 112, second paragraph, should be withdrawn.

Claims 1-3 and 5 are not unpatentable under 35 U.S.C. 102(b) as being anticipated by Harmon.

The claimed invention is packaging comprising two joinable half-shells which form a hollow article. The article comprises a closure including a projection with a recess. Problems with such packaging include ensuring that it remains reclosable under all

circumstances, e.g., when put in a refrigerator or when heated. Also, it must remain hygienic. To solve this problem, claim 1 recites that recess comprises an elongate hole. This ensures that the package is always reclosable and remains hygienic since no food becomes stuck in the hole. Further, the hole has a peripheral zone with slits in the peripheral zone. The slits increase the force needed to push the projection out of the slits so that reclosability is further improved. Also, the projection has an embossed cross which stiffens it to still further improve reclosability.

Harmon does not disclose an elongate hole, slits in the peripheral zone or an embossed cross.

Thus the rejection of claims 1-3 and 5 under 35 U.S.C. 102 on Harmon should be withdrawn.

Further, since there is no suggestion in Harmon of the above-discussed features, the claims are unobvious over Harmon.

Claims 1-3 and 5 are not unpatentable under 35 U.S.C. 102(b) as being anticipated by Ryan.

Similarly, Ryan totally fails to disclose an elongate hole, slits in the peripheral zone or an embossed cross. Thus this rejection should be withdrawn.

Further, since Ryan does not suggest the above-discussed features, the above claims are unobvious over Ryan.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the

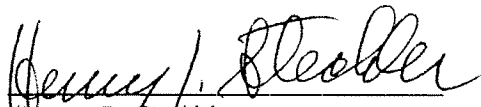
10/516,652

Response to the Office Action mailed January 5, 2007

Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for as any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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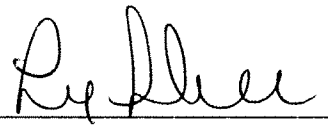
April 5, 2007  
Date

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